

BEFORE THE
POSTAL RATE COMMISSION

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COMPLAINT ON POST E.C.S.

DOCKET NO. C99-1

UNCONTESTED MOTION OF UNITED PARCEL SERVICE
FOR EXTENSION OF TIME TO RESPOND TO
MOTION TO DISMISS
(November 12, 1998)

United Parcel Service respectfully requests an extension of thirty days, until December 16, 1998, of the deadline for UPS to respond to the Motion of the United States Postal Service to dismiss, on the following basis:

1. UPS filed the Complaint initiating this proceeding on October 5, 1998.
2. By letter dated October 6, 1998, the Office of the Secretary of the Commission advised the Postal Service of the Complaint and indicated that, pursuant to Section 84 of the Commission's Rules of Practice, an answer was due within thirty days of the filing of the Complaint.
3. On November 5, 1998, the Postal Service filed its Answer to the Complaint, and also filed a Motion to Dismiss the Complaint.
4. Under the Commission's rules, a response to the Postal Service's Motion to Dismiss would be due on November 16, 1998.
5. Counsel for UPS is presently engaged in preparing UPS's brief on appeal from the Governors' Decision in Commission Docket No. R97-1. That brief must be filed with the United States Court of Appeals for the District of Columbia Circuit on

November 16, 1998, the same day UPS's response to the Postal Service's Motion to Dismiss the Complaint in this proceeding is due.

6. Because of the filing deadline in the court of appeals, UPS will be unable to respond adequately to the Postal Service's Motion to Dismiss by November 16.

7. Moreover, the Postal Service's Motion makes a number of arguments which raise serious issues concerning the proper administration of the Postal Reorganization Act.

8. As a result, UPS requests that it be given an extension of thirty days, until December 16, 1998, to respond to the Postal Service's Motion to Dismiss.

9. Counsel for the Postal Service has authorized UPS to inform the Commission that the Postal Service does not object to this requested extension.

WHEREFORE, United Parcel Service respectfully requests that the Commission extend by thirty days, until December 16, 1998, the time within which United Parcel Service must respond to the Motion of the United States Postal Service to Dismiss.

Respectfully submitted,



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Of Counsel

Dated: November 12, 1998

CERTIFICATE OF SERVICE

I hereby certify that on this date I have caused to be served the foregoing document on all parties to this proceeding by first class mail, postage prepaid, in accordance with Section 12 of the Rules of Practice.

A handwritten signature in black ink, appearing to read "John E. McKeever", written over a horizontal line.

John E. McKeever

Dated: November 12, 4998
Philadelphia, PA